



Our Ref. No.: 15675.P291

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Jean-Francois Penneau et al. )

Serial No.: 09/367,081 )

Filed: January 24, 2000 )

For: POROUS COMPOSITE PRODUCT, IN PARTICULAR WITH )  
A HIGH SPECIFIC SURFACE, PREPARATION PROCESS AND ELECTRODE )  
FORMED OF A POROUS COMPOSITE FILM FOR AN ELECTRO-CHEMICAL ASSEMBLY)

REQUEST FOR REFERENCE

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

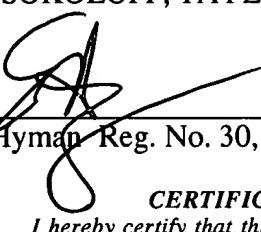
Dear Sir:

Applicant has received the outstanding Office Action mailed June 18, 2004 in connection with the above-identified application. Upon Applicant's review, it has been discovered that Applicant did not receive a copy of US Patent No. 4396693 issued to Bernstein et al. which was cited by the Examiner. In this connection, please furnish Applicant with a complete copy of the US patent issued to Bernstein and reset the due date for response.

Respectfully submitted,

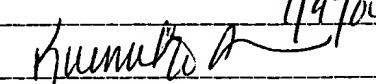
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 7/7/04

By:   
Eric S. Hyman Reg. No. 30,139

12400 Wilshire Blvd., 7th Floor  
Los Angeles, CA 90025  
(310) 207-3800

**CERTIFICATE OF MAILING**  
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on

  
Kumiko Alexander

  
7/9/04  
Date



H71  
JFW

## TRANSMITTAL FORM

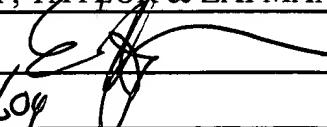
(to be used for all correspondence after initial filing)

|  |   |                        |                       |
|--|---|------------------------|-----------------------|
| TRANSMITTAL FORM                         |   | Application No.        | 09/367,081            |
|  |   | Filing Date            | January 24, 2000      |
|  |   | First Named Inventor   | Jean-Francois PENNEAU |
|  |   | Art Unit               | 1771                  |
|  |   | Examiner Name          | Hai Vo                |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | 15675P291             |

### ENCLOSURES (check all that apply)

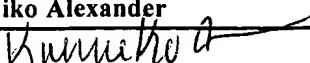
|   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment / Response<br><br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> PTO/SB/08<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><br><input type="checkbox"/> Basic Filing Fee<br><br><input type="checkbox"/> Declaration/POA<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
|   |   | <div style="border: 1px solid black; padding: 5px; height: 60px; vertical-align: top;">           request for reference; return postcard         </div>   |
| <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Remarks</div> <div style="border: 1px solid black; height: 40px; vertical-align: top;"></div>   |   |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |  |
|-------------------------|--|
| Firm or Individual name | Eric S. Hyman, Reg. No. 30,139<br><br>BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP         |
| Signature               |  |
| Date                    | 7/17/04  |

### CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.

|                       |   |         |  |
|-----------------------|---|---------|--|
| Typed or printed name | Kumiko Alexander  |         |  |
| Signature             |  |         |  |
|                       | Date  | 7/19/04 |  |



# FEET TRANSMITTAL for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT**

**(\\$)**

## Complete if Known

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 09/367,081            |
| Filing Date          | January 24, 2000      |
| First Named Inventor | Jean-Francois PENNEAU |
| Examiner Name        | Hai Vo                |
| Art Unit             | 1771                  |
| Attorney Docket No.  | 15675P291             |

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None  
 Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Paid               |
|--------------|----------|--------------|----------|------------------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |
| 1001         | 770      | 2001         | 385      | Utility filing fee     |
| 1002         | 340      | 2002         | 170      | Design filing fee      |
| 1003         | 530      | 2003         | 265      | Plant filing fee       |
| 1004         | 770      | 2004         | 385      | Reissue filing fee     |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |
| SUBTOTAL (1) |          | (\$)         |          |                        |

### 2. EXTRA CLAIM FEES

| Total Claims | Independent Claims | Extra Claims | Fee from below   | Fee Paid |
|--------------|--------------------|--------------|--|----------|
|              |                    | 106 **       | = <input type="text"/> X <input type="text"/> = <input type="text"/> |          |
|              |                    | 6            | = <input type="text"/> X <input type="text"/> = <input type="text"/> |          |

| Large Entity |          | Small Entity |          | Fee Description   |
|--------------|----------|--------------|----------|---|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |   |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                    |
| 1201         | 66       | 2201         | 43       | Independent claims in excess of 3                         |
| 1203         | 290      | 2203         | 145      | Multiple Dependent claim, if not paid                     |
| 1204         | 66       | 2204         | 43       | **Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | **Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) |          | (\$)         |          |   |

\*\*or number previously paid, if greater. For Reissues, see below

### 3. ADDITIONAL FEES

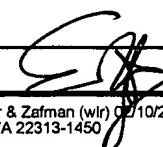
| Large Entity        | Small Entity | Fee Description | Fee Paid  |
|---------------------|--------------|-----------------|---|
| Fee Code            | Fee (\$)     | Fee Code        | Fee (\$)  |
| 1051                | 130          | 2051            | 65 Surcharge - late filing fee or oath  |
| 1052                | 50           | 2052            | 25 Surcharge - late provisional filing fee or cover sheet.                    |
| 2053                | 130          | 2053            | 130 Non-English specification   |
| 1812                | 2,520        | 1812            | 2,520 For filing a request for ex parte reexamination                         |
| 1804                | 920 *        | 1804            | 920 * Requesting publication of SIR prior to Examiner action                  |
| 1805                | 1,840 *      | 1805            | 1,840 * Requesting publication of SIR after Examiner action                   |
| 1251                | 110          | 2251            | 55 Extension for reply within first month                                     |
| 1252                | 420          | 2252            | 210 Extension for reply within second month                                   |
| 1253                | 950          | 2253            | 475 Extension for reply within third month                                    |
| 1254                | 1,480        | 2254            | 740 Extension for reply within fourth month                                   |
| 1255                | 2,010        | 2255            | 1,005 Extension for reply within fifth month                                  |
| 1404                | 330          | 2401            | 165 Notice of Appeal  |
| 1402                | 330          | 2402            | 165 Filing a brief in support of an appeal                                    |
| 1403                | 290          | 2403            | 145 Request for oral hearing  |
| 1451                | 1,510        | 2451            | 1,510 Petition to institute a public use proceeding                           |
| 1452                | 110          | 2452            | 55 Petition to revive - unavoidable   |
| 1453                | 1,330        | 2453            | 665 Petition to revive - unintentional  |
| 1501                | 1,330        | 2501            | 665 Utility issue fee (or reissue)  |
| 1502                | 480          | 2502            | 240 Design issue fee  |
| 1503                | 640          | 2503            | 320 Plant issue fee   |
| 1460                | 130          | 2460            | 130 Petitions to the Commissioner   |
| 1807                | 50           | 1807            | 50 Processing fee under 37 CFR 1.17(q)  |
| 1806                | 180          | 1806            | 180 Submission of Information Disclosure Stmt                                 |
| 8021                | 40           | 8021            | 40 Recording each patent assignment per property (times number of properties) |
| 1809                | 770          | 1809            | 385 Filing a submission after final rejection (37 CFR § 1.129(a))             |
| 1810                | 770          | 2810            | 385 For each additional invention to be examined (37 CFR § 1.129(b))          |
| 1801                | 770          | 2801            | 385 Request for Continued Examination (RCE)                                   |
| 1802                | 900          | 1802            | 900 Request for expedited examination of a design application                 |
| Other fee (specify) |              |                 |   |
| SUBTOTAL (2)        |              | (\$)            |   |

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(\\$)**

## SUBMITTED BY

Complete (if applicable)

|                   |   |                                   |        |           |                |
|-------------------|---|-----------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Eric S. Hyman   | Registration No. (Attorney/Agent) | 30,139 | Telephone | (310) 207-3800 |
| Signature         |  |                                   |        | Date      | 7/7/04         |

Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (win) 02/10/2004.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450